

REMARKS

In response to the Office Action mailed February 15, 2011, the Assignee of the present application (Nuance Communications, Inc.) respectfully requests reconsideration. Claims 21-46 were previously pending for examination. Claims 21, 25, 31, 37, 43, and 45 are amended herein. Claims 30 and 36 are canceled without prejudice or disclaimer. Claims 47-64 are added. As a result, claims 21-29, 31-35, and 37-64 are pending for examination, with claims 21, 31, 37, 43, 47, 53, and 59 being independent. No new matter has been added.

Allowable Subject Matter

The Assignee thanks the Examiner for the indication that claims 28, 30, and 36 recite allowable subject matter.

Without acceding to the propriety of the rejections of the independent claims, the Assignee has herein amended each of the independent claims to incorporate subject matter indicated as allowable. Specifically, the Assignee has herein incorporated into independent claims 21, 31, 37, and 43 the allowable concepts relating to adapting at least one statistical model, as previously captured in claims 30 and 36.

The Assignee has also added new claims 47-64, including independent claims 47, 53, and 59, which incorporate the allowable concepts relating to full or partial verbalization of a section heading, as previously captured in claim 28.

Accordingly, all of the independent claims are directed to subject matter the Office Action indicated as allowable over the cited art. In view of the arguments presented below to overcome the rejection of claim 37 under 35 U.S.C. § 101, the Assignee believes all of the independent claims are in condition for allowance.

Each dependent claim depends from a base claim that is believed to be allowable and is allowable for at least the same reasons.

While every effort has been made to recite in each independent claim subject matter that is indicated as allowable in the Office Action, the Examiner is respectfully requested to not rely upon the Assignee's representation in that respect and to carefully review each of the independent claims to ensure that it is in condition for allowance.

Rejection under 35 U.S.C. § 101

The Office Action rejects claims 37-42 under 35 U.S.C. § 101 as purportedly being directed to non-statutory subject matter. The Assignee respectfully traverses these rejections.

At pages 2-3, the Office Action states that "the broadest reasonable interpretation of a claim drawn to a computer readable medium ... typically covers forms of non-transitory tangible media and transitory propagating signals per se." Even if this statement is correct, the rejections of claims 37-42 are improper because the claims are drawn to at least one "computer-readable **storage device**," rather than "computer-readable medium."

MPEP § 2111.01 states, "the words of the claim must be given their plain meaning unless the plain meaning is inconsistent with the specification," and "'plain meaning' refers to the ordinary and customary meaning given to the term by those of ordinary skill in the art."

In the present case, the Office Action makes no showing that those of ordinary skill in the art would have understood "computer-readable storage device" to include transitory propagating signals. For example, the Office Action provides no evidence tending to show that those of ordinary skill in the art would have considered a transitory propagating signal to be a "device." Furthermore, the Office Action does not point to any disclosure in the specification that allegedly would have suggested an interpretation of "computer-readable storage device" that is different from the ordinary and customary meaning.

For at least the reasons discussed above, claims 37-42 are directed to statutory subject matter, and the rejections of these claims under 35 U.S.C. § 101 should be withdrawn.

General Comments on Dependent Claims

Because each of the dependent claims depends from a base claim that is believed to be in condition for allowance, the Assignee believes that it is unnecessary at this time to argue the further distinguishing features of all of the dependent claims. However, the Assignee does not necessarily concur with the interpretation of the dependent claims as set forth in the Office Action, nor does the Assignee concur that the basis for the rejection of any of the dependent claims is proper. Therefore, the Assignee reserves the right to specifically address in the future the further patentability of the dependent claims not specifically addressed herein.

CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the undersigned at the telephone number indicated below to discuss any outstanding issues.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, the Assignee hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed payment, please charge any deficiency to Deposit Account No. 23/2825 under Docket No. N0484.70066US00 from which the undersigned is authorized to draw.

Dated:

6/3/11

Respectfully submitted,
Nuance Communications, Inc.

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